COURT NO.2

IN THE HIGH COURT OF UTTARAKHAND AT NAINITAL

Writ Petition No. 4034 (S/S) of 2001

(Old Case No.24798 of 1993)

Gajpal Singh, Son of Bhagwan Singh Bisht, presently posted at Garhwal Jal Shansthan, 32 Rajpur Road, Dehradun ……. Petitioner

Versus

1. General Manager, Garhwal Jal Sanstha, 62 Race Cource Road, Dehradun.
2. Secretary, Garhwal Jal Sanstha, 62 Race Course Road, Dehradun.
3. Jalkal Abheyant (1st), Garhwal Jal Sansthan, Dehradun

……. Respondents

Sri Anirudh S. Negi, learned counsel for the petitioner.
Sri Rakesh Thapliyal, learned counsel for the respondents

Dated: 13.12.2007

Hon'ble P.C. Verma, J.

This petition has been filed by the petitioner for the following reliefs:-

> "a) issue a writ order or direction in the nature of mandamus directing the respondents to regularize the petitioner's service from Grade IV Grade III.
>
> b) issue a writ order or direction in the nature of writ of mandamus directing the respondents to pay the salary in the scale of Rs.950-1500 in Grade III as regular employee to the petitioner.
>
> c) Issue any other writ order or direction as this Hon'ble Court may deem fit and proper in the circumstances of the case.
>
> d) award the costs of the petition to the petitioner."

2. The reliefs claimed cannot be granted as neither the promotion is prayed stating the fact that

the petitioner is eligible and falls within the zone of consideration and is entitled to be promoted from Grade IV to Grade III, rather a direct regularization has been claimed, which relief cannot be granted in writ petition under Article 226 of the Constitution of India. Accordingly, prayer no.1 is refused. Prayer nos.b, c and d are dependent on the prayer no.a, which has been refused, hence payer nos.b, c and d are also refused.

3. The petition is devoid of merit and is dismissed accordingly. No order as to costs.

(P.C. Verma, J.)

13.12.2007
RBS